

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER CONWAY, : Civil No. 3:24-cv-427

Plaintiff : (Judge Mariani)

v. :

SUPERINTENDENT RIVELLO, et al., :

Defendants :

ORDER

AND NOW, this 27th day of January, 2025, upon consideration of Defendants' motion (Doc. 14) to partially dismiss the amended complaint, and the parties' respective briefs in support of and in opposition to said motion, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 14) is **GRANTED** in part and **DENIED** in part.
2. The motion (Doc. 14) is **GRANTED** as follows:
 - a. The motion to dismiss the retaliation claim against Rivello, Wendle, Wakefield, Winnick, and Renninger, the claim for injunctive relief, and the official capacity claims is **GRANTED with prejudice**.
 - b. The motion to dismiss the retaliation claim against Stoltzfus and the conspiracy claim against Wakefield, Winnick, Rivello, Wendle, and Renninger is **GRANTED without prejudice** and with leave to amend.
 - c. Plaintiff may file, on or before February 14, 2025, a proposed amendment with respect to his retaliation claim against Stoltzfus and his conspiracy claim against Wakefield, Winnick, Rivello, Wendle, and Renninger. Failure to timely file a proposed amendment will convert the dismissal of

these claims without prejudice to a dismissal with prejudice without the necessity of a further Order of Court.

3. The motion (Doc. 14) to dismiss the conditions of confinement claim is **DENIED**.
4. Defendants shall **FILE** an answer to the surviving Eighth Amendment conditions of confinement claim and deliberate indifference to serious medical needs claim on or before February 14, 2025.
5. On or before February 14, 2025, the parties shall **NOTIFY** the Court of their willingness to consent to the jurisdiction of a United States Magistrate Judge. See 28 U.S.C. § 636(c).
6. Discovery shall be completed on or before April 24, 2025. In accordance with Local Rule of Court 5.4(b), the parties shall refrain from filing discovery requests with the Court.
7. Dispositive motions shall be filed on or before May 27, 2025.
8. No extensions of the pre-trial schedule shall be granted absent good cause. See FED. R. CIV. P. 16(b).
9. Any motions or briefs filed after the expiration of the applicable deadline, without prior leave of court, shall be stricken from the record.
10. The scheduling of a final pre-trial conference and the trial date of this matter is deferred pending disposition of dispositive motions.
11. Any appeal from this Order is deemed frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge